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EXAMINER

CABRERA, ZOILA E

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/998,343
Filing Date: November 30, 2001
Appellant(s): HSU ET AL.

MAILED

OCT 06 2004

Technology Center 2100

Randy W. Tung
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 2, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-12 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,539,386	ATHAVALA et al.	3-2003
6,128,588	CHACON	10-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12 are rejected under 35 U.S.C. 103(a).

The rejection is hereby reproduced for convenience.

Claim Rejections - 35 USC § 103

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Athavale et al. (US 6,539,386)** in view of **Chacon (US 6,128,588)**.

With respect to claims 1-2 and 7-8, **Athavale** discloses a computer assisted system and method for managing a work in process workload comprising:

As for claim 1, **Athavale** discloses

- means for storing identifying information for a work in process workload lot (Fig. 2, element 28; Col. 9, lines 36-40); means for accessing the identifying information for the work in process workload lot (Fig. 2, elements 22, 26, 28, 34); means for requesting and effecting a change in production of the work in process workload lot after accessing the identifying information for the work in process workload lot (Col. 9, lines 36-40 and lines 46-63; fig. 2, elements 22, 30-4, 44, 32-1, 34), wherein the means for requesting the change in production of the work in process workload lot provides for direct access by a customer (Fig. 2, element 22).

Athavale does not disclose that his system is used in a microelectronic fabrication. However, **Athavale** suggests that his system and method may be used in any other type of manufacturing facility (Col. 10, lines 21-23). **Chacon** discloses an integrated characterization and scheduling system for fabrication production systems such as wafer fabrication (Col. 2, lines 18-20).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to implement the system for modifying a customer order of **Athavale** in an integrated wafer fabrication system such as the one disclosed by **Chacon** because it would provide an improved fabrication facility wherein customers have access to their orders and thereby change their orders during the manufacturing process as suggested by **Athavale** (Fig. 2, elements 22 and 56; Abstract, lines 8-14 and lines 20-22; Fig. 3, step 106).

As for claim 2, **Athavale** discloses

- means for storing identifying information for a work in process workload lot (Fig. 2, element 28; Col. 9, lines 36-40); means for accessing the identifying information for the work in process workload lot (Fig. 2, elements 22, 26, 28, 34); means for requesting and effecting a change in production of the work in process workload lot after accessing the identifying information for the work in process workload lot (Col. 9, lines 36-40 and lines 46-63; fig. 2, elements 22, 30-4, 44, 32-1, 34), wherein the means for requesting the change in production of the work

in process workload lot provides for direct access by a customer (Fig. 2, element 22).

Athavale does not disclose that his system is used in a chemical work process. However, **Athavale** suggests that his system and method may be used in any other type of manufacturing facility (Col. 10, lines 21-23). **Chacon** discloses an integrated characterization and scheduling system for fabrication production systems such as wafer fabrication (Col. 2, lines 18-20, please note that in a semiconductor fabrication process a chemical work takes place such as metal deposition or exposure of a wafer).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to implement the system for modifying a customer order of **Athavale** in a an integrated wafer fabrication system such as the one disclosed by **Chacon** because it would provide an improved fabrication facility wherein customers have access to their orders and thereby change their orders during the manufacturing process as suggested by **Athavale** (Fig. 2, elements 22 and 56; Abstract, lines 8-14 and lines 20-22; Fig. 3, step 106).

As for claims 7, **Athavale** discloses

- means for storing identifying information for a work in process workload lot (Fig. 2, element 28; Col. 9, lines 36-40); means for accessing the identifying information for the work in process workload lot (Fig. 2, elements 22, 26, 28, 34); means for requesting and effecting a change in production of the work in process workload lot after accessing the identifying information for the work in process

workload lot (Col. 9, lines 36-40 and lines 46-63; fig. 2, elements 22, 30-4, 44, 32-1, 34), wherein the means for requesting the change in production of the work in process workload lot provides for direct access by a customer (Fig. 2, element 22); and requesting the change in production of the work in process workload lot directly by the customer (Fig. 2, elements 22, 30-4, 44, 46, 34).

Athavale does not disclose that his system is used in a microelectronic fabrication. However, **Athavale** suggests that his system and method may be used in any other type of manufacturing facility (Col. 10, lines 21-23). **Chacon** discloses an integrated characterization and scheduling system for fabrication production systems such as wafer fabrication (Col. 2, lines 18-20).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to implement the system for modifying a customer order of **Athavale** in an integrated wafer fabrication system such as the one disclosed by **Chacon** because it would provide an improved fabrication facility wherein customers have access to their orders and thereby change their orders during the manufacturing process as suggested by **Athavale** (Fig. 2, elements 22 and 56; Abstract, lines 8-14 and lines 20-22; Fig. 3, step 106).

As for claim 8, **Athavale** discloses

- means for storing identifying information for a work in process workload lot (Fig. 2, element 28; Col. 9, lines 36-40); means for accessing the identifying information for the work in process workload lot (Fig. 2, elements 22, 26, 28, 34);

means for requesting and effecting a change in production of the work in process workload lot after accessing the identifying information for the work in process workload lot (Col. 9, lines 36-40 and lines 46-63; fig. 2, elements 22, 30-4, 44, 32-1, 34), wherein the means for requesting the change in production of the work in process workload lot provides for direct access by a customer (Fig. 2, element 22); and requesting the change in production of the work in process workload lot directly by the customer (Fig. 2, elements 22, 30-4, 44, 46, 34).

Athavale does not disclose that his system is used in a chemical work process. However, **Athavale** suggests that his system and method may be used in any other type of manufacturing facility (Col. 10, lines 21-23). **Chacon** discloses an integrated characterization and scheduling system for fabrication production systems such as wafer fabrication (Col. 2, lines 18-20, please note that in a semiconductor fabrication process a chemical work takes place such as metal deposition or exposure of a wafer).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to implement the system for modifying a customer order of **Athavale** in an integrated wafer fabrication system such as the one disclosed by **Chacon** because it would provide an improved fabrication facility wherein customers have access to their orders and thereby change their orders during the manufacturing process as suggested by **Athavale** (Fig. 2, elements 22 and 56; Abstract, lines 8-14 and lines 20-22; Fig. 3, step 106).

Regarding claim 3, **Athavale** discloses most of the limitations of claim 1 above but **Athavale** does not disclose the limitations of claim 3 as follows:

- the system is employed within a microelectronic fabrication facility **selected from the group consisting of** *integrated circuit microelectronic fabrication facilities*, ceramic substrate microelectronic fabrication facilities, solar cell optoelectronic microelectronic fabrication facilities, sensor image array optoelectronic microelectronic fabrication facilities and display image array optoelectronic microelectronic fabrication facilities.

However, **Athavale** suggests that his system and method may be used in any other type of manufacturing facility (Col. 10, lines 21-23). **Chacon** discloses an integrated characterization and scheduling system for fabrication production systems such as wafer fabrication (Col. 2, lines 18-20).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to implement the system for modifying a customer order of **Athavale** in an integrated wafer fabrication system such as the one disclosed by **Chacon** because it would provide an improved fabrication facility wherein customers have access to their orders and thereby change their orders during the manufacturing process as suggested by **Athavale** (Fig. 2, elements 22 and 56; Abstract, lines 8-14 and lines 20-22; Fig. 3, step 106).

Regarding claim 9, **Athavale** discloses most of the limitations of claim 7 above but **Athavale** does not disclose the limitations of claim 9 as follows:

- the system is employed within a microelectronic fabrication facility selected from the group consisting of *integrated circuit microelectronic fabrication facilities*, ceramic substrate microelectronic fabrication facilities, solar cell optoelectronic microelectronic fabrication facilities, sensor image array optoelectronic microelectronic fabrication facilities and display image array optoelectronic microelectronic fabrication facilities.

However, **Athavale** suggests that his system and method may be used in any other type of manufacturing facility (Col. 10, lines 21-23). **Chacon** discloses an integrated characterization and scheduling system for fabrication production systems such as wafer fabrication (Col. 2, lines 18-20).

Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to implement the system for modifying a customer order of **Athavale** in an integrated wafer fabrication system such as the one disclosed by **Chacon** because it would provide an improved fabrication facility wherein customers have access to their orders and thereby change their orders during the manufacturing process as suggested by **Athavale** (Fig. 2, elements 22 and 56; Abstract, lines 8-14 and lines 20-22; Fig. 3, step 106).

As for claim 4, **Athavale** discloses

- the change in production of the work in process workload lot is requested directly by the customer without an intervening approval by a customer engineer (Fig. 2, elements 22, 30-4, 44, 46, 34).

As for claim 5, **Athavale** discloses

- the computer assisted system is accessible by the customer through a distributed communications network (Fig. 2).

As for claim 6, **Athavale** discloses

- the computer assisted system is accessible by the customer through an Internet distributed communications network (Fig. 1, element 24).

As for claim 10, the same citations applied to claim 4 above apply as well for claim 10.

As for claim 11, the same citations applied to claim 5 above apply as well for claim 11.

As for claim 12, the same citations applied to claim 6 above apply as well for claim 12.

(11) Response to Argument

Appellant admits that **Athavale** does in fact teach a fabrication facility where customers have access to their order and change their orders during manufacturing (Page 5 of the Brief). However, appellant argues, on Pages 6-7 of the brief, that “no suggestion or motivation for modification or combination of **Athavale** with Chacon exists for reasons as proposed by the Examiner. The Examiner’s rationale for suggestion or motivation for modification or combination of **Athavale** with **Chacon**, while applicable to **Athavale**, is not apparently simultaneously applicable to **Chacon**”. Examiner disagrees because it would have been obvious to a person of the ordinary skill in the art to have used the method and apparatus for modifying a customer order of **Athavale** in the microelectronic or wafer fabrication system of **Chacon** because it would provide an improved fabrication facility wherein customers have access to their orders and thereby

change their orders during the manufacturing process as taught by **Athavale** (Fig. 2, elements 22 and 56; Abstract, lines 8-14 and lines 20-22; Fig. 3, step 106).

Appellant further argues (Pages 8-9) that any of **Athavale's** disclosed manufacturing facilities require considerable expense for its construction or its ongoing operation and, in contrast, that the microelectronic fabrication facilities are recognized as expensive manufacturing facilities. Examiner disagrees, because **Athavale** clearly suggests that his system and method may be used in any other type of manufacturing facility (Col. 10, lines 21-23, please note that **Athavale** enumerated facilities are "by way of example only").

For the above reasons, it is believed that the rejections should be sustained.

Application/Control Number: 09/998,343
Art Unit: 2125

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Respectfully submitted,

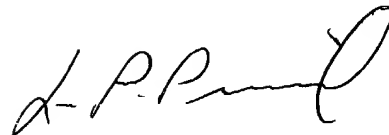
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